



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We make Indiana a cleaner, healthier place to live.*


Mitchell E. Daniels, Jr.  
Governor

Thomas W. Easterly  
Commissioner

100 North Senate Avenue  
Indianapolis, Indiana 46204  
(317) 232-8603  
(800) 451-6027  
[www.IN.gov/idem](http://www.IN.gov/idem)

Date: May 16, 2007

To: Interested Parties

From: Thomas Linson, Chief   
Permits Branch  
Office of Land Quality

Subject: Concentrated Animal Feeding Permits

The Indiana Department of Environmental Management (IDEM) is notifying Toll-Tail Dairy, LLC, that they have satisfied the requirements to receive coverage under a individual National Pollution Discharge Elimination System (NPDES) permit. The permit authorizes the construction and operation of a dairy.

Please find enclosed a copy of the notice of decision and a responsiveness summary to comments that was prepared based on questions and concerns received by IDEM relative to the operation.

If you have any questions relative to the notice please contact Mr. Daniel Bruggen at (317) 233-3554, or toll free at (800) 451-6027, extension 03-3554.

Please bring this matter to the attention of persons you believe may have an interest in it.

Enclosures: Notice of Decision

Responsiveness Summary to Comments

cc: Art Venema- Toll-Tail Dairy, LLC (with enclosures)  
Noah Schmucker (with enclosures)  
Dave Gerdeman- North Point Engineering (with enclosures)  
Brian Daggy- Agricultural Environmental Consulting (with enclosures)  
Karen Miller- Vreba-Hoff Dairy Development (with enclosures)





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VIA CERTIFIED MAIL 7005 1160 0001 2625 6253

Art Venema, Operator  
Toll-Tail Dairy, LLC  
8530 West County Road 750 North  
Shipshewana, Indiana 46565

Dear Mr. Venema:

Re: NPDES Permit No. INA006464  
LaGrange County  
Approval Number AW - 5771

Your National Pollutant Discharge Elimination System (NPDES) permit is being issued in accordance with Section 402 and 405 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and IC 13-15, IDEM's permitting authority. This permit reflects the requirements that your dairy must meet in order to be in compliance with the Indiana Confined Feeding Control Law (IC 13-18-10) and the NPDES permit conditions. The permit, with its conditions is enclosed. Also, please find copies of the Briefing Memo with Attachment A on the permit and the notice being sent to interested parties.

You will be authorized to operate a dairy farm located near the intersection of State Road 120 and County Road 1100 East, in LaGrange County, Indiana, in accordance with all limitations, monitoring requirements, and other provisions set forth in the permit. The permit also contains facility construction requirements and limitations. The IDEM farm identification number for Toll-Tail Dairy, LLC is ID#6464. A copy of this letter and the permit must be kept by the permittee at the site of the permitted dairy facility.

Permittees are required to notify IDEM prior to the commencement of construction. The enclosed Pre-construction Notification form must be returned to IDEM. The notification must provide IDEM sufficient advance notice to allow for a pre-construction meeting with IDEM staff. All approved construction must begin not later than two years and be completed not later than four years after: 1.) the permit date for the construction of the confined feeding operation or 2.) the date all appeals brought under IC 4-21.5 concerning the construction of the operation have been completed, whichever is later. In order to receive approval for construction beyond the four year allowance, the applicant must reapply by submitting a new application and all supporting plans and specifications as required by IDEM.

Permittees must submit to IDEM the enclosed Completed Construction Affidavit form within thirty (30) days after the date construction of an approved waste management system is complete, and prior to the introduction of animals. The affidavit must be completed, notarized, and returned to IDEM assuring that the waste management system was constructed and will be operated in accordance with the requirements of the permit. If a permittee performs partial construction of an approved facility and wishes to utilize that portion prior to completing construction of the entire facility, multiple affidavits shall be submitted. No portion of a new waste management system, including animal feed and similar feedstock storage areas, shall be utilized unless that portion, or a combination of the waste management system for that portion, is completely constructed prior to the introduction of animals and provides a minimum of 180 days storage of manure, wastewater, silage leachate and storm water from the feed and raw materials storage area.

### **Appeal Procedure**

Requests for an administrative review of the final decision must be filed in compliance with the procedures and time frames identified below. If you have procedural or scheduling questions concerning your petition, you may contact the Office of Environmental Adjudication at (317) 232-8591.

This decision becomes effective eighteen (18) days after mailing unless a person aggrieved or adversely affected by the decision files a request for a stay. If a request to stay is granted, the effective date of any part of this decision within the scope of the stay request is stayed an additional fifteen (15) days. The portions of the decision for which a stay request has been filed will take effect at the expiration of the additional fifteen (15) days, unless or until the OEA stays this decision in whole or in part. An appeal is initiated by filing a written petition for administrative review with the OEA pursuant to IC 4-21.5-3-7, within eighteen (18) days of the mailing date of this decision. Identifying the decision for which you seek review by permit number, name of the applicant, location, or date of this notice will expedite review of the petition.

The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing: (1) the date the document is delivered to the OEA, (2) the date of the postmark on the envelope containing the document, if the document is mailed to the OEA by U.S. mail, (3) the date on which the document is deposited with a private carrier, as shown by the receipt issued by the carrier, if the document is sent to the OEA by private carrier. The petition must further include facts demonstrating that the person requesting review is either the applicant, a person aggrieved or adversely affected by this decision, or otherwise entitled to review by law.

Pursuant to IC 4-21.5-3-5(d), the OEA will provide the petitioner or any person requesting notice with notice of pre-hearing conferences, preliminary hearings, hearings, stays or orders disposing of the petition for review if a written request for such notice is received by the OEA. Nonparties may also receive such notices without intervening and formally become parties by requesting copies of such notices from the OEA.

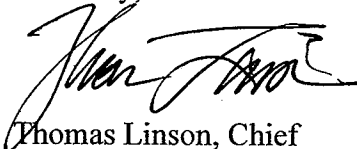
Mr. Venema  
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Any such request shall be mailed or delivered to:

**Office of Environmental Adjudication  
Indiana Government Center North  
100 North Senate Avenue, Room 1049  
Indianapolis, IN 46204**

If you have any questions concerning the permit, please contact Daniel Bruggen at (317)-233-3554. Questions concerning appeal procedures should be directed to the Office of Environmental Adjudication, at (317)-232-8591.

Sincerely,



Thomas Linson, Chief  
Permits Branch  
Office of Land Quality

Enclosures: Individual NPDES  
Briefing Memo (w/ Attachment A)  
Notice of Decision  
Construction Notification Form  
Construction Completion Affidavit

cc: Noah Schmucker  
Dave Gerdeman- North Point Engineering  
Brian Daggy- Agricultural Environmental Consulting  
Karen Miller- Vreba-Hoff Dairy Development, LLC  
LaGrange County Commissioners  
LaGrange-Tail County Health Department  
Howe Mayor/Town Council President  
USDA-Natural Resources Conservation Service

Mr. Venema

